

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 20-CR-20090

v.

D-1 Andre Kinard,

Honorable Terrence G. Berg

Defendant.

_____ /

Stipulated Preliminary Order of Forfeiture

Plaintiff, by and through its undersigned attorneys, together with Defendant Andre Kinard, by and through his attorney, Antonio Tuddles, submit this Stipulated Preliminary Order of Forfeiture to the Court for immediate entry, and stipulate and agree to the following:

An Indictment was filed on February 13, 2020 charging Defendant with possession with intent to distribute a controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) (Count One), and possession of a firearm in violation of 21 U.S.C. § 924(c) (Count Two).

The Indictment includes forfeiture allegations providing notice of the government's intent to forfeit property from Defendant upon his conviction, pursuant to 21 U.S.C. § 924(d) with 28 U.S.C. § 2461(c), and 21 U.S.C. § 853.

On February 24, 2021, Defendant pleaded guilty to Count One of the Indictment, a violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B), pursuant to a written Rule 11 Plea Agreement (“Rule 11”) in which Defendant agreed, among other things, to forfeit the following property (the “Subject Property”), pursuant to 18 U.S.C. § 924(d) with 28 U.S.C. § 2461(c) and/or 21 U.S.C. § 853:

- One Smith and Wesson handgun, CAL:40, Model: SD40VE, Serial No. FWK2088; and
- Thirteen Rounds of Assorted Ammunition, CAL:40.

Defendant also agreed in the Rule 11 to the entry of a Preliminary Order of Forfeiture incorporating the forfeiture of the Subject Property following his guilty plea. Defendant agreed that the forfeiture order will become final as to him at the time it is entered by the Court.

Defendant’s counsel, Antonio Tuddles, affirms that he has discussed the forfeiture of the Subject Property with Defendant and Defendant consents to the entry of this Stipulated Preliminary Order of Forfeiture.

Based on the Indictment, Defendant’s Rule 11, his guilty plea, this Stipulation, and other information in the record, and pursuant to 18 U.S.C. § 924(d) with 28 U.S.C. § 2461(c) and/or 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. Defendant shall forfeit to the United States all right, title and interest he may possess in the Subject Property, as property involved in his Title 21 violation pursuant to 18 U.S.C. § 924(d) with 28 U.S.C. § 2461(c) and/or 21 U.S.C. § 853.
2. The Subject Property **IS HEREBY FORFEITED** to the United States of America pursuant to 18 U.S.C. § 924(d) with 28 U.S.C. § 2461(c) and/or 21 U.S.C. § 853 for disposition according to law, and any right, title or interest of Defendant, and any right, title and interest that his successors and assigns have, or may have, in the Subject Property is hereby and forever **EXTINGUISHED**.
3. The Subject Property was involved in Defendant's Title 21 violation and the requisite nexus exists between the Subject Property and Defendant's offense of conviction.
4. Upon entry of this order, the United States shall publish on www.forfeiture.gov, notice of this Stipulated Preliminary Order of Forfeiture and of its intent to dispose of the Subject Property in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n). Said notice shall direct that any person, other than the Defendant, asserting a legal interest in the Subject Property may file a petition with the Court within thirty (30) days of the final publication of notice or of

receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Subject Property. The petition must identify petitioner's alleged right, title, or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Property, any additional facts supporting the petitioner's claim, and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Subject Property.

5. Pursuant to Fed. R. Crim. P. 32.2(b)(4), this Order shall become final as to Defendant upon entry.
6. If no third party files a timely petition before the expiration of the period provided in 21 U.S.C. § 853(n)(2), then this Stipulated Preliminary Order of Forfeiture shall become the Final Order of Forfeiture and the United States shall have clear title to the Subject Property as provided in 21 U.S.C. § 853(n)(7) and Fed. R. Crim. P. 32.2(c)(2); further, the United States shall be authorized to dispose of the Subject Property as prescribed by law.

7. If a third party files a petition for ancillary hearing for the Subject Property, the Court shall enter an Amended and/or Final Order of Forfeiture that addresses the disposition of the third party petition as provided under Fed. R. Crim. P. 32.2(c)(2).
8. The forfeiture of the Subject Property shall be made part of Defendant's sentence and included in his Judgment.
9. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2.

Agreed as to form and substance:

Saima S. Mohsin
Acting United States Attorney

s/Cassandra M. Resposo
Cassandra M. Resposo
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
Telephone: (313) 226-9736
Cassandra.Resposo@usdoj.gov

Date: 3/17/2021

s/Antonio Tuddles
Antonio Tuddles
Counsel for Andre Kinard
400 Monroe Street, Suite 425
Detroit, Michigan 48226
(313) 965-1457
Adtlawoffice1509@yahoo.com

Dated: 3/22/2021

IT IS SO ORDERED.

Dated: March 23, 2021

/s/Terrence G. Berg
Honorable Terrence G. Berg
United States District Judge


7. If a third party files a petition for ancillary hearing for the Subject Property, the Court shall enter an Amended and/or Final Order of Forfeiture that addresses the disposition of the third party petition as provided under Fed. R. Crim. P. 32.2(c)(2).
8. The forfeiture of the Subject Property shall be made part of Defendant's sentence and included in his Judgment.
9. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2.

Agreed as to form and substance:

Saima S. Mohsin
Acting United States Attorney

/s/ Cassandra M. Resposo
Cassandra M. Resposo
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
Telephone: (313) 226-9736
Cassandra.Resposo@usdoj.gov

Date: 3/17/2021


Antonio Tuddles
Counsel for Andre Kinard
400 Monroe Street, Suite 425
Detroit, Michigan 48226
(313) 965-1457
Adilawoffice1509@yahoo.com

Dated: 3 22 2021

IT IS SO ORDERED.

Dated: _____

Honorable Terrence G. Berg
United States District Judge

5